

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )                           8:16CR226  
                                )  
vs.                         )                           ORDER  
                                )  
BENJAMIN SMOLINSKI,      )  
                                )  
Defendant.                 )

This matter is before the court on the motion of defendant Benjamin Smolinski (Smolinski) to review detention (Filing No. 79). Smolinski seeks to be placed at the Omaha Campus for Hope to participate in residential treatment for substance abuse. Previously, the court denied a motion to direct pretrial services to investigate placement for substance abuse residential treatment (Filing No. 69). Smolinski has since had his Nebraska state probation revoked<sup>1</sup> and has pled guilty to Count I of the Indictment in these proceedings (Filing No. 80). Smolinski has a history of running or hiding from law enforcement and has a history of noncompliance and prior treatment failures. The evaluation submitted with his motion reflects that Smolinski is "treatment-wise and seems to say what he thinks others want to hear." Smolinski remains a flight risk and a danger to the community, and his placement at Omaha Campus for Hope does not diminish those risks.

The motion is denied.

**IT IS SO ORDERED.**

DATED this 15th day of November, 2016.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge

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<sup>1</sup> Smolinski was on state probation for Operating a Motor Vehicle to Avoid Arrest. His state probation was revoked and he was sentenced to 180 days in jail with credit for 61 days time served.